

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

ECF CASE

TIMOTHY RINALDI and
CLAUDIA RINALDI,

Plaintiffs,

-against-

SCAG POWER EQUIPMENT,
a Division of Metalcraft of Mayville, Inc.,

Defendant.

08 CV 1702 (KMK)

*Jeepah \$25
E 651287*

NOTICE OF MOTION
FOR ADMISSION
PRO HAC VICE OF
J. TIMOTHY MACIOLEK

SIRS:

PLEASE TAKE NOTICE that pursuant to Rule 1.3(c) of the Local Rules of the
United States District Courts for the Southern and Eastern Districts of New York, I, Brian
J. Carey, Esq., a member in good standing of the bar of this Court, hereby moves for an
Order allowing the admission *pro hac vice* of:

J. Timothy Maciolek, Esq. (JM 4443)
CRIVELLO CARLSON, S.C.
710 North Plankinton Avenue
Milwaukee, Wisconsin 53203
Tel.: (414) 271-7722
Fax: (414) 271-4438
E-Mail: jmaciolek@crivellocarlson.com

Mr. Maciolek is a member in good standing of the Bar of the State of Wisconsin.

There are no pending disciplinary proceedings against Mr. Maciolek in any State
or Federal Court.

In support of this motion, annexed hereto is an Affidavit of Brian J. Carey, Esq.,
sworn to on the 20th day of June, 2008. No brief is necessary in support of this motion

FILED
U.S. DISTRICT COURT
S.D. OF N.Y. W.D.
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since it raises no issue of law and the relief sought is wholly within the Court's discretion.

PLEASE TAKE FURTHER NOTICE that the undersigned requests waiver of oral argument and submission of this motion pursuant to Rule 78 of the Federal Rules of Civil Procedure.

Dated: New York, New York
June 20, 2008

By:



Brian J. Carey, Esq. (BC 8041)
McELROY, DEUTSCH, MULVANEY
& CARPENTER, LLP
Wall Street Plaza
88 Pine Street, 24th Floor
New York, New York 10005
Tel.: (212) 483-9490
Fax: (212) 483-9490
Email: bjcarey@mdmc-law.com
Attorneys for Defendant
SCAG Power Equipment,
a Division of Metalcraft of Mayville, Inc.

TO: Lawrence T. D'Aloise, Jr. (LTD 7155)
CLARK, GAGLIARDI & MILLER, P.C.
Attorneys for Plaintiffs
The Inns of Court
99 Court Street
White Plains, New York 10601
(914) 946-8900

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X		
	:	ECF CASE
TIMOTHY RINALDI and	:	
CLAUDIA RINALDI,	:	08 CV 1702 (KMK)
	:	
Plaintiffs,	:	
	:	
-against-	:	AFFIDAVIT IN SUPPORT
	:	OF NOTICE OF MOTION
	:	FOR ADMISSION
SCAG POWER EQUIPMENT,	:	PRO HAC VICE OF
a Division of Metalcraft of Mayville, Inc.,	:	J. TIMOTHY MACIOLEK
	:	
Defendant.	:	
	:	
-----X		

STATE OF NEW YORK)
) SS
COUNTY OF NEW YORK)

Brian J. Carey, being duly sworn, deposes and says:

1. I am a member in good standing of the bar of this Court. I am associated with the firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, counsel for defendant, SCAG Power Equipment, a Division of Metalcraft of Mayville, Inc., in this matter.

2. This Affidavit is made in support of the motion seeking the admission *pro hac vice* of J. Timothy Maciolek, Esq., in this action, pursuant to Rule 1.3 (c) of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York.

3. Mr. Maciolek is an attorney in the law firm of Crivello Carlson, S.C., 710 North Plankinton Avenue, Milwaukee, Wisconsin 53203, Telephone Number: (414) 271-7722, Facsimile number: (414) 271-4438, and E-Mail: jmaciolek@crivellocarlson.com.

4. An Affidavit executed by Mr. Maciolek is attached as Exhibit A. As set forth therein, Mr. Maciolek is a member in good standing of the Bar of the State of Wisconsin (admitted September 3, 2003).

5. A Certificate of Good Standing issued by the Supreme Court of the State of Wisconsin on June 3, 2008 evidencing Mr. Maciolek's good standing before the Bar of the State of Wisconsin is attached hereto as Exhibit B.


6. I have found Mr. Maciolek to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

7. I believe that Mr. Maciolek will conduct himself in the manner required of attorneys admitted to practice in this Court *pro hac vice*, and I therefore respectfully request that he be allowed to practice *pro hac vice* in this matter for the purposes of representing defendant SCAG Power Equipment, a Division of Metalcraft of Mayville, Inc.

8. A proposed form of Order is submitted as Exhibit C.


Brian L. Carey, Esq.

Sworn to before me this
20th day of June, 2008


Notary Public

JOHN P. JOHNSON
NOTARY PUBLIC, State of New York
No. 31435024
Qualified in New York County
Commission Expires 6/19/10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TIMOTHY RINALDI and
CLAUDIA RINALDI,

Plaintiffs,

-against-

SCAG POWER EQUIPMENT,
a Division of Metalcraft of Mayville, Inc.,

Defendant.
-----X

ECF CASE

08 CV 1702 (KMK.)

AFFIDAVIT OF
J. TIMOTHY MACIOLEK
IN SUPPORT OF MOTION
FOR ADMISSION
PRO HAC VICE

J. Timothy Maciolek, being duly sworn, hereby deposes and says as follows:

1 I am associated with the firm of Crivello Carlson, S.C., located at 710 N. Plankinton Avenue, Milwaukee, Wisconsin. Telephone number (414) 271-7722, Facsimile number: (414) 271-4438, and E-Mail: jmaciolek@crivellocarlson.com.

2. I submit this Affidavit in support of the motion for my admission *pro hac vice* in this case on behalf of defendant SCAG Power Equipment, a Division of Metalcraft of Mayville, Inc. ("SCAG").

3. This is a products liability action in which plaintiffs allege to have been injured as the result of an incident involving a lawnmower manufactured by SCAG.

4. I am a licensed attorney in the State of Wisconsin and have been since September 13, 2003.

5. In accordance with the Local Rules of the Southern District, a copy of a Certificate of Good Standing issued by the Supreme Court of Wisconsin issued within the last thirty days is submitted herewith.



David R. Schanker
Clerk

WISCONSIN SUPREME COURT
OFFICE OF THE CLERK
110 E. Main Street, Suite 215
P.O. Box 1688
Madison, WI 53701-1688

Telephone: 608-266-1880
TTY: 800-947-3529
Fax: 608-267-0640
<http://www.wicourts.gov>

CERTIFICATE OF GOOD STANDING

I, David R. Schanker, Clerk of the Supreme Court of Wisconsin certify that the records of this office show that:

J. TIMOTHY MACIOLEK

was admitted to practice as an attorney within this state on September 30, 2003 and is presently in good standing in this court.

Dated: June 3, 2008

A handwritten signature in dark ink, appearing to read "DS", is written over the printed name of David R. Schanker.

DAVID R. SCHANKER
Clerk of Supreme Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

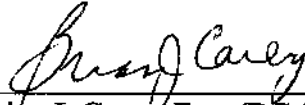
-----X		
	:	ECF CASE
TIMOTHY RINALDI and	:	
CLAUDIA RINALDI,	:	08 CV 1702 (KMK)
	:	
Plaintiffs,	:	
	:	
-against-	:	CERTIFICATE OF SERVICE
	:	
SCAG POWER EQUIPMENT,	:	
a Division of Metalcraft of Mayville, Inc.,	:	
	:	
Defendant.	:	
	:	
-----X		

Brian J. Carey, Esq., an attorney duly admitted to practice in the United States District Court, Southern District of New York, hereby certifies pursuant to Fed. R. Civ. P. 5 that on June 20, 2008 I arranged for service of a true and accurate copy of the within Notice of Motion for admission *pro hac vice* of J. Timothy Maciolek, Esq., and all supporting papers, via mail with the United States Postal Service in New York, New York, upon the following:

Lawrence T. D'Aloise, Jr. (LTD 7155)
CLARK, GAGLIARDI & MILLER, P.C.
The Inns of Court
99 Court Street
White Plains, New York 10601
Tel.: (914) 946-8900
Fax: (914) 946-8960
E-Mail: ldaloise@cgmlaw.com
Attorneys for Plaintiffs

Dated: New York, New York
June 20, 2008

By:



Brian J. Carey, Esq. (BC 8041)
McELROY, DEUTSCH, MULVANEY
& CARPENTER, LLP
Wall Street Plaza
88 Pine Street, 24th Floor
New York, New York 10005
Tel.: (212) 483-9490
Fax: (212) 483-9490
Email: bjcarey@mdmc-law.com
Attorneys for Defendant
SCAG Power Equipment,
a Division of Metalcraft of Mayville, Inc.